

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1059

AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-22-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) In addition to any other requirements, a permit may not be issued under this chapter for the construction or operation of a hazardous waste facility to be used for the destruction or treatment of a chemical munition unless the person applying for the permit has demonstrated that generates or treats a hazardous waste classified as I001 must demonstrate all of the following:

(1) That the destruction or treatment technology to be used at the proposed hazardous waste facility: ~~has been in operation:~~

(A) at a facility comparable to the proposed hazardous waste facility; and

(B) for a time sufficient to demonstrate that (A) will destroy or treat ninety-nine and nine thousand nine hundred ninety-nine ten thousandths percent (99.9999%) of the chemical munition processed; at the comparable facility has been destroyed or treated; or

(B) will ensure that the waste has been treated in such a way that designated chemical munition constituents are treated to a specific level as approved by the commissioner.

(2) That monitoring data from a comparable the hazardous waste

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facility demonstrates that there are no emissions from the ~~comparable~~ facility that alone or in combination with another substance present a risk of any of the following:

- (A) An acute or a chronic human health effect.
 - (B) An adverse environmental effect.
 - (3) That a plan to:
 - (A) provide sufficient training, coordination, and equipment for state and local emergency response personnel needed to respond to possible releases of harmful substances from the proposed hazardous waste facility; and
 - (B) evacuate persons in the geographic area at risk from the worst possible release of:
 - (i) the chemical munition; or
 - (ii) a substance related to the destruction or treatment of the chemical munition;
- from the proposed hazardous waste facility;
has been funded and developed.

(b) The department shall implement an inspection and oversight protocol for each hazardous waste facility described in subsection (a) to ensure that the requirements of this title are met.

SECTION 2. IC 13-22-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7.5. Transportation of Chemical Munitions

Sec. 1. This chapter applies to a person that transports:

- (1) a chemical munition referred to in 329 IAC 3.1-6-3, as in effect on January 1, 2005; or
- (2) hazardous waste derived from the bulk neutralization and destruction of the agent VX referred to in IC 13-11-2-25(6).

Sec. 2. (a) Subject to subsections (b) and (c), before transporting a substance referred to in section 1 of this chapter, a person must coordinate the transport with the appropriate state agencies of each state through which the substance will be transported and file in Indiana the following with the department, state police department, and state emergency management agency:

- (1) A written evaluation of potential transportation risks that:
 - (A) accounts for the type and quantity of hazardous waste to be transported;
 - (B) identifies the most likely types of incidents that could:
 - (i) occur during the transport; and
 - (ii) result in harm to the public health or environment;
 - (C) assesses the likelihood of the occurrence of each type of

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- incident referred to in clause (B);
- (D) identifies the magnitude of the potential harm to the public health or environment associated with each type of incident referred to in clause (B); and
- (E) is written in a manner understandable to:
 - (i) the scientific community; and
 - (ii) the public.

- (2) A written transport safety plan that:
 - (A) is tailored to the risks described in subdivision (1);
 - (B) demonstrates that the driver of each vehicle to be used in the transport:
 - (i) has received United States Department of Transportation training and licensure; and
 - (ii) is familiar with the content of the plan;
 - (C) demonstrates for the transport route that appropriate procedures and response personnel will be available for:
 - (i) medical response;
 - (ii) environmental response;
 - (iii) local law enforcement response; and
 - (iv) evacuation of the area; and
 - (D) provides for submitting notice to the department before the first shipment of each particular chemical munition or hazardous waste described in section 1 of the chapter is transported.

(b) A notice submitted under the transport safety plan provision described in subsection (a)(2)(D) must include the estimated shipment schedule for each chemical munition or hazardous waste for the duration of the transport activity. A person who transports a chemical munition or hazardous waste described in subsection (a) shall immediately notify the department of any major variations from the estimated shipment schedule provided under this subsection.

- (c) A person must file an amended:
 - (1) evaluation of potential transportation risks; and
 - (2) transport safety plan;
 under subsection (a) only if the proposed transport route changes.

Sec. 3. The transport of a substance referred to in section 2 of this chapter shall occur at times that provide maximum public safety.

SECTION 3. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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HEA 1059 — Concur+

